

APPROVED: Meeting No. 07-93

ATTEST: 

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 05-93

February 22, 1993

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on February 22, 1993, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, Brenda Bean, City Clerk's Office, and City Attorney Paul Glasgow.

Mayor Duncan announced that the Mayor and Council would meet in Executive Session pursuant to Section 10-508(a)(1)(i) of the State Government Article, Annotated Code of Maryland, to discuss personnel issues at the conclusion of this evening's agenda. If necessary, the Mayor and Council will also meet in Executive Session following the public hearing on February 23, in accordance with Section 10-508(a)(1)(i) of the State Government Article, Annotated Code of Maryland, to discuss personnel issues.

Re: City Manager's Report

1. Snow removal operations were handled very effectively during yesterday's storm, and, other than a tree down in the New Mark Commons, there were no real problems.

Meeting No. 05-93

2

February 22, 1993

2. A new Sister Cities brochure describing Rockville's sister city relationship with Pinneberg, Germany is available. This is a high quality brochure which was produced in-house with Graphics' new four-color printing capability.

3. There is a new exhibit in the lobby of City Hall which is a cross-segment of a very old oak tree, dating back to 1726, recently cut down in one of our parks due to disease. It has been preserved by Francis Schwarz and his son, Kenneth. The tree segment is encased in glass and is accompanied by a history of Rockville events corresponding to the tree's rings. Mr. Schwarz and his son will be recognized at the March 8 Mayor and Council meeting for providing this wonderful exhibit.

4. At the last Mayor and Council meeting, an ordinance was introduced to amend Chapter 12 of the Rockville City Code to make the City's laws consistent with current practices of the Montgomery County Board of License Commissioners. More information had been requested by the Mayor and Council on this issue, and information is now being gathered and finalized for distribution to the Mayor and Council along with reports from the Police Department and City Attorney's Office. This amendment will appear on the March 8 Mayor and Council agenda.

Councilmember Robbins noted that he has received a great deal of negative comment from patrons of Twinbrook bowling alley which has been granted a license to serve beer. He will bring this matter up later under FYI/Correspondence.

Re: Citizens Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council. There being no citizens wishing to be heard, the Mayor closed the Citizens Forum portion of the meeting.

Meeting No. 05-93

3

February 22, 1993

Re: Appointments

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Dennis Kelly was appointed to a five-year term on the Planning Commission.

Mayor Duncan expressed appreciation to Gloria Atlas for her years of service on the Commission.

Re: Approval of Minutes

Upon motion of Councilmember Robbins, duly seconded, with Councilmember Robbins abstaining as he was not present at the meeting, the minutes of Meeting No. 03-93 (February 1, 1993) were approved, as written.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 04-93 (February 8, 1993) were approved, as written.

Re: Consent Agenda

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Award of Contract for entertainment for 1993 Hometown Holidays Sunday evening concert, May 30, 1993, to National Chamber Orchestra in the amount of \$27,000.

Sufficient funds are available in the Special Events budget for this Award.

- B. Award of Contract for entertainment for 1993 Hometown Holidays Saturday night concert, May 29, 1993, to Jan Davis Entertainment in the amount of \$23,500.

Meeting No. 05-93

4

February 22, 1993

Sufficient funds are available in the Special Events budget for this Award.

- C. Acceptance of Text Amendment Application T-134-93, Paul D. Haines, Applicant.

This applications requests amendment to the Zoning Ordinance to allow covered steps, stoops and porches to encroach into minimum side setback space.

Re: Approval of deviation from the strict application of the Urban Design Controls of the Town Center Urban Design Plan, as requested by Foulger-Pratt Development, Inc., Applicant.

Alternatives to the public pedestrian circulation improvements required on the former Pier I property at Hungerford Drive and Middle Lane by the Town Center Urban Design Plan have been proposed by the developer. The Mayor and Council has the authority to approve deviations from the strict application of the Urban Design Controls as specified in the Plan upon a finding that any proposed deviation will be consistent with the objectives of the Plan and the intent and purpose of the Town Center Planning Area.

Meeting No. 05-93

5

February 22, 1993

Foulger-Pratt has filed a Use Permit Application for a major redevelopment on the site at the corner of Middle Lane and Hungerford Drive (the former Pier One site). They have encountered a problem by trying to blend current regulations with some new thinking on site design concepts.

The Urban Design Plan contains specific urban design controls for six sites including the former Pier One site. The urban design controls relate mainly to creation and continuity of public pedestrian circulation improvements and amenities. The improvements specified for the site are designated as "mandatory;" therefore, the Zoning Ordinance requires provision of the designed amenity. Equally important is the fact that provision of designated improvements is needed to achieve the significant development bonuses necessary to accommodate the Foulger-Pratt project. The Planning Commission is scheduled to review the use permit on Wednesday. Approval of the requested deviation by the Mayor and Council is a prerequisite to favorable action on the Use Permit. The Zoning Ordinance calls for a public plaza at least one-half acre in size centrally located to this site. It must contain mandatory special landscaped features as detailed in the Plan. The Zoning Ordinance provides that the Mayor and Council shall have the authority to approve a deviation from the strict application of the urban design controls as specified in the Plan.

Due to the fact that the entire concept of interior amenity spaces and pedestrian connections between parcels in the Town Center is currently being altered by the impending redevelopment of the former Mall, the applicant is proposing to substitute perimeter public amenity space for the one called for in the Plan.

Staff supports the alternate concept. It conforms substantially in area, function and improvements to the Plan's requirements. The developers are taking advantage of an opportunity to

Meeting No. 05-93

6

February 22, 1993

alter design concepts that will result from removing the mall and introducing new streets and smaller blocks. By providing for the Maryland Avenue extension north of Middle Lane, which staff has recommended as a condition of the use permit, the applicant can achieve the same enhanced design objectives north of Middle Lane.

Raul Garcia of Fougler-Pratt Development, Inc. explained the requested deviation. The site is well positioned as a central focal point of activity for downtown. Sonny Scully of Mortensen, Lewis & Scully described the architectural renderings for the site and the recommended landscaping. She noted that they are attempting to improve the right-of-way at significantly higher standards than required in addition to providing upgraded improvements.

In response to Councilmember Coyle, Mr. Garcia noted that they are sensitive to the balance of this project with the rest of Town Center, in particular with pedestrian and service connectors throughout. Insofar as a crosswalk to Metro is concerned, Mr. Garcia indicated that they are recommending a bridge across Hungerford at Middle Lane.

The Mayor and Council agreed that this is a very exciting plan and consistent with the objectives of the Town Center Urban Design Plan. It was noted that the improvements such as a raised focal stage would be public amenities available for use by the City for events such as the brown bag concerts.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Mayor and Council approved the deviation from the strict application of the Urban Design Controls of the Town Center Urban Design Plan, as requested by Foulger-Pratt Development, Inc., Applicant.

Re: Adoption of Resolution to
create a Permit Parking
District on the south side of
the 400 block of Beall

Meeting No. 05-93

7

February 22, 1993

Avenue, from Luckett Street to Lynch Street, and to include 400, 402 and 406 Beall Avenue.

This permit parking area will be incorporated into the existing West End Permit Parking District and will be assigned the permit parking hours of 8:00 a.m. through 8:00 p.m., Monday through Friday.

Resolution No. 06-93

The City Manager confirmed that the extended hours of 8:00 a.m. to 8:00 p.m. are recommended. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 06-93, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to create a Permit Parking District on the south side of the 400 block of Beall Avenue, from Luckett Street to Lynch Street, and to include 400, 402 and 406 Beall Avenue.

Re: Adoption of Resolution to deny Street Closing and Abandonment Application SCA-67-92, George Malusky II, Applicant.

This application had requested the abandonment of a portion of an alley located between Woodland Road and Coleman Park Lane.

Resolution No. 07-93

The Mayor and Council were assured that the home business situation would continue to be monitored. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed,

Meeting No. 05-93

8

February 22, 1993

Resolution No. 07-93, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to deny Street Closing and Abandonment Application SCA-67-92, George Malusky II, Applicant.

Re: Adoption of Ordinance to grant Text Amendment Application T-132-92, Joseph A. Lynott, Jr., attorney for Marlo Furniture Company, Applicant.

This application requests an amendment to the parking quantity requirements of the Zoning Ordinance for furniture stores.

Ordinance No. 02-93

Councilmember Krasnow expressed concern that 92,000 square feet of the proposed Marlo building will be warehouse space, resulting in a significant reduction of parking spaces. She is not in favor of this change as she feels that this will ultimately lead to a shortage of parking.

Staff advised that the proposal will provide more space on site for parking than is required by the Code. Additionally, according to extensive surveys commissioned by Marlo, the proposed number of spaces at the Rockville site exceeds the expectation of parking needs at the other Marlo locations. Staff further advised that their recommendation is for a higher requirement than requested by the applicant.

The text amendment will apply to any furniture store. General office space on site and the satellite retail operation will entail additional parking which will be separate and apart from the calculation for the furniture store.

Discussion followed regarding the position of Richard Montgomery High School, and

Meeting No. 05-93

9

February 22, 1993

a concern was expressed by Councilmember Krasnow that cars would spill over from the Marlo site and infringe on or compete with the spaces available at Richard Montgomery High School. It was noted that the concern of the school is focused on the entrance and exit to the proposed Marlo operation. Additionally, Marlo is expected to be contacting the school in the very near future to discuss the possibility of the Marlo site being used by Richard Montgomery students for parking during the day.

Upon motion of Councilmember Coyle, duly seconded, with Councilmember Krasnow voting "no," Ordinance No. 02-93, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to grant Text Amendment Application T-132-92, Joseph A. Lynott, Jr., attorney for Marlo Furniture Company, Applicant, to amend the parking quantity requirements of the Zoning Ordinance for furniture stores.

Re: FYI/Correspondence

Councilmember Robbins referenced a letter from John Taylor requesting that the sale of alcoholic beverages be prohibited at the Twinbrook bowling alley. This is an area where large groups of teenagers gather, and Councilmember Robbins has concerns regarding the sale of beer at this facility.

Re: New Business

Councilmember Robbins referenced an activity taking place at Wootton High School on Friday, February 26, beginning at 9:00 p.m. This is an alcohol-free event to call attention to the substance abuse prevention efforts in the Wootton community.

Mayor Duncan referenced the response from County Council President Marilyn Praisner regarding the solid waste measure recently adopted by the County. She indicates that it is the County's

Meeting No. 05-93

10

February 22, 1993

position that this is a revenue measure which applies countywide. A copy of her letter is being forwarded to the City Attorney with the request that he provide a written response.

Re: Next Meeting

The next meeting of the Mayor and Council is a Public Hearing tomorrow evening, February 23, regarding the proposed City of Rockville/Rockville Center, Inc. Transition and Development Agreement.

Re: Executive Session

Upon motion of Councilmember Coyle, duly seconded, with Mayor Duncan and Councilmembers Coyle, Krasnow, Marrinan and Robbins voting "aye," the Mayor and Council of Rockville, Maryland, convened in Executive Session in the Mayor's Office at 8:40 p.m., pursuant to Section 10-508(a)(1)(i) of the State Government Article, Annotated Code of Maryland, to discuss personnel issues.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:10 p.m., to convene again in Public Hearing at 7:30 p.m. on February 23, 1993, or at the call of the Mayor.